

Reference Number: 700-02-DD

Title Document: Compliance with Title VI of the Civil Rights Act of 1964, American's with Disabilities Act of 1990, Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973 and Establishment of a Complaint Process

Date of Issue: May 15, 1991

Effective Date: May 15, 1991

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Applicability: Central Office, Regional Centers, DSN Boards, and Contracted Service Providers

Purpose:

The purpose of this directive is to establish guidelines and procedures for compliance with Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, the Age Discrimination Act of 1975 and the Americans with Disabilities Act (ADA) as they apply to people applying for and receiving services from the South Carolina Department of Disabilities and Special Needs, DSN Boards, or other qualified provider agencies.

NOTE: Compliance with these regulations in regard to employees of SCDDSN, DSN Boards or other qualified provider agencies is addressed under separate policy and procedures. Violations and complaints in regard to such should be referred to the agency's Human Resource Management Office. Further, this policy does not supersede any portion of the DDSN Employee Grievance Procedure, but applies only to situations outlined in this directive.

Statement of Compliance

Within the South Carolina Department of Disabilities and Special Needs no person will be excluded from participation in, denied access to, denied the benefits of or be otherwise subjected to discrimination in the conduct of its programs, services, supports, and the operation of its facilities on the basis of age, race, sex, creed, color, national origin or disability.

Federal legislation requires that each agency in the DDSN service delivery system be in compliance with the four following nondiscrimination acts:

- Title VI of the Civil Rights Act of 1964 - prohibits discrimination of participation in programs and services because of race, color, creed, etc. (this includes persons demonstrating limited English proficiency /LEP)
- Section 504 of the Rehabilitation Act of 1973 - prohibits the discrimination of participation in programs and services because of handicap.
- Americans with Disabilities Act of 1990 - extends Section 504 to cover all private and public entities in the areas of employment, telecommunication, and public accommodation.

- The Age Discrimination Act of 1975 - prohibits the discrimination of participation in programs and services because of age.

PROCEDURES FOR REVIEWING COMPLIANCE

Regional Facilities, DSN Boards and Qualified Provider Agency Responsibilities

All service providers will be responsible for complying with the requirements of the nondiscrimination laws, and establishing a grievance procedure to assure a fair and timely review of all complaints alleging discrimination. All contracts issued by the Department will contain an "Assurance of Compliance" statement.

Each facility, Board or other qualified provider will designate a "compliance coordinator" whose responsibilities are as follows:

- Review their organization's compliance with each of the four nondiscrimination acts and maintain records documenting such.
- Post notices advising consumers of contacts for reporting or addressing issues of compliance.
- Coordinate the facility's/agency's complaint process and maintain records of all complaints filed and actions taken to bring resolution.

When indicated, a Plan of Correction will be developed to address compliance issues. The Plan should outline the action to be taken. Implementation of the Plan is the sole responsibility of the facility, Board or provider although technical assistance may be obtained from other facilities, Boards, provider agencies, Central Office or external agencies as needed.

State Coordinator Responsibilities

The State Director will appoint the State Compliance Coordinator whose responsibilities will include the establishment and monitorship of the compliance review process. The state Coordinator will receive inquiries and assist in identifying sources of technical assistance. The Coordinator will also notify the SC Department of Health and Human Services of any discrimination complaints that have been filed against a DDSN sponsored program or service that receives federal financial participation.

Complaint Process

Any applicant, family member, or person with a disability who feels they have been discriminated against may report the incident in writing to the designated staff compliance coordinator. Upon receipt of a complaint alleging discrimination, the service provider must immediately report the complaint to the appropriate compliance coordinator for that facility.

Every effort should be made by the facility, Board or other qualified provider to resolve the issue through discussion and negotiation at the level the alleged discrimination occurred.

Each Board or other qualified provider agency should have at least a two tiered procedure for reviewing discrimination grievances. The Executive Director should be involved in one level of the review process (e.g., staff review with appeal to Executive Director or Executive Director review with appeal to board of directors of local provider agency).

Discrimination complaints arising in a Regional Facility or DDSN direct operated services will follow the DDSN Internal Grievance/Appeal Procedures as outlined in DDSN policy 535-11-DD which may not necessarily include a review by the Human Rights Committee.

When indicated, a Plan of Correction will be developed and monitored to ensure compliance. The Plan of Correction will reflect the original complaint, its remediation, and a target date for completion. It will be signed by all parties concerned and a copy will be forwarded to the State Compliance Coordinator's office for review.

If a person does not want to file an alleged discrimination complaint with the local agency, a complaint may be filed directly with the South Carolina Human Affairs Commission or the U.S. Department of Health and Human Services (Office of Civil Rights).

NOTE: Some federal agencies may require a person exhaust the agency's internal grievance process before filing a discrimination complaint.

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